

REMARKS/ARGUMENTS

In the Office Action dated January 10, 2005, Claims 13-21 were withdrawn as being directed to a non-elected species, the drawings and specification were objected to, Claim 3 was rejected under 35 U.S.C. § 112, Claims 1-12 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,171,595 to Tucker ("Tucker"), and Claims 1, 4-7 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 3,933,164 to Ness et al. ("Ness"). In response, Applicant has amended the specification, submitted corrected replacement drawing sheets, withdrawn Claims 13-21, amended Claim 1 and Claim 3, and cancelled Claim 2. Claims 1 and 3-12 are thus currently pending in the application. Each issue is addressed in more detail below.

Restriction Requirement

Although Applicant respectfully disagrees with the Examiner regarding the earlier restriction requirement, Applicant acknowledges that the Examiner has made the earlier restriction requirement final and thus withdraws claims 13-21 herein.

Drawings

Although Applicant disagrees with the Examiner regarding the need to submit corrected drawing sheets showing the requested details, in order to further the prosecution of this application Applicant submits herewith replacement drawing sheets reflecting corrections to FIGS. 3 and 6.

Specification

The Office objected to the specification disclosure because of an informality on page 7, line 3. In response, Applicant has made the appropriate correction herein.

Amendments to the Drawings:

Attached hereto are replacement drawing sheets reflecting corrections to FIGS. 3 and 6 to show the additional details requested in the January 10, 2005, Office Action.

Claim Rejections - 35 U.S.C. § 112

Claim 3 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because there appeared to be two claims representing the limitations of Claim 3. In response, Applicant has amended Claim 3 to correctly represent the limitations of Claim 3.

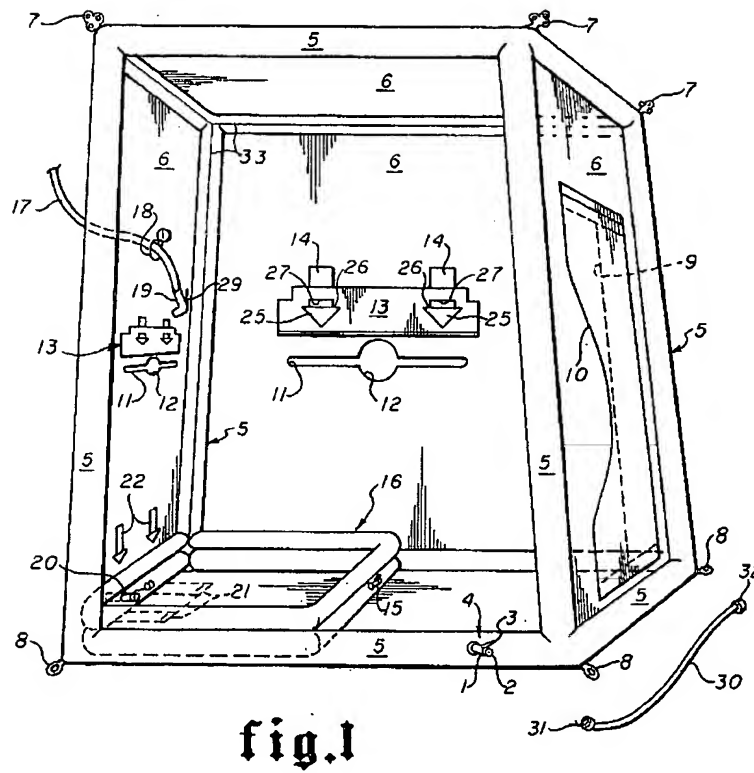
Claim Rejections – 35 U.S.C. § 102(b)**Tucker:**

Claims 1-12 were rejected under 35 U.S.C. § 102(b) as anticipated by Tucker because Tucker purportedly discloses all of the limitations of those claims. Applicant respectfully disagrees.

A Shell Adapted to Generally Surround an Occupant in a Supine Position:

Tucker does not disclose a shell adapted to generally surround an occupant in a supine position, as recited in Independent Claims 1 and 8. By definition, an occupant in a supine position is lying down on his or her back. The inflatable hunting blind shelter disclosed and shown in Tucker is designed to be not only a shelter, but also a camper's restroom, shower, and tub facility. See Tucker, FIG. 1, Abstract, Column 1, lines 55-69 and Column 2, lines 1-16. Occupants of the Tucker shelter could not be lying on their backs and using a restroom, shower and tub facility. Moreover, the Tucker shelter shown in Tucker FIG. 1 is taller than it is wide or long. An occupant lying down would tend to have a shorter height dimension compared to his or her length and width dimensions, making the Tucker shelter inappropriate for surrounding an occupant in a supine position. A comparison of Tucker FIG. 1 and Applicant's FIG. 12 below clearly shows the structural differences between the shelter of Tucker and Applicant's shell.

Tucker FIG. 1:



Applicant's FIG. 12:

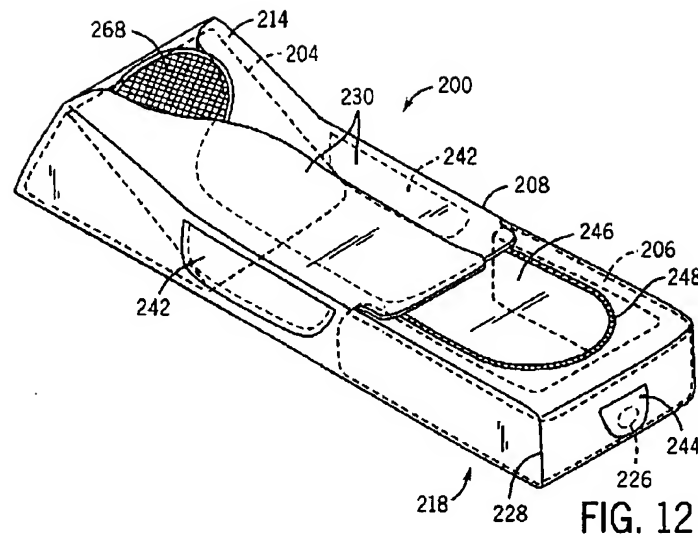


FIG. 12

Thus, Tucker does not disclose all of the elements of Claims 1 or 8, and thus does not anticipate Claims 1, 8 or any claims that depend therefrom including Claims 3-7 and 9.

A Frame Including a Second Inflatable Member:

Tucker also does not disclose a second inflatable member, as recited in Independent Claim 1 (as amended herein), Independent Claim 8 and Independent Claim 10. The Office has identified the second inflatable member as “lower tube-type ribs 5 extending horizontally along bottom or 16.” Applicant respectfully disagrees. Neither tube-type ribs 5 nor pan-tub 16 is a second inflatable member of a frame. First, tube-type ribs 5 comprise the single framework 5 of the Tucker shelter, which inflates to form a “one-unit structure.” See Tucker, Column 2, lines 35-54. The ribs 5 are not separate from one another or from the single framework 5, but are instead one continuous inflatable member. See Tucker, Column 2, lines 35-54. Second, Tucker pan-tub 16 is not part of the frame at all, but is a separate pan-tub structure for the shower and tub facility feature of the Tucker shelter that does not need to be unrolled and inflated unless use

of the shower or tub feature is desired. See Tucker, Column 3, lines 27-37. The pan-tub is thus clearly not a second inflatable member of a frame. Tucker, then, does not disclose all of the elements of Claims 1, 8 or 10 and thus does not anticipate Claims 1, 8, 10 or any claims that depend therefrom including Claims 3-7, 9, 11 and 12.

Ness:

Claims 1 and 4-7 were rejected under 35 U.S.C. § 102(b) as anticipated by Ness because Ness purportedly discloses all of the limitations of those claims. Applicant respectfully disagrees. Applicant has amended Independent Claim 1 herein to include a second inflatable member. Ness does not disclose a second inflatable member, which the Office has effectively acknowledged by virtue of the fact that Ness was not found to anticipate Claims 2, 3 and 8-12, which all recite a second inflatable member element. Moreover, a thorough review of Ness reveals that no second inflatable member is shown or disclosed. Thus, Ness does not anticipate Claim 1 or any claims that depend therefrom including Claims 4-7.

CONCLUSION

In view of the remarks presented herein, it is respectfully submitted that claims 1 and 3-12 are in condition for allowance and reconsideration of same and notice of allowance of the claims is respectfully requested. Applicant submits that no new matter has been added to the application by these amendments and requests that the Examiner telephone the undersigned in the event a telephone discussion would be helpful in advancing the prosecution of the present application, particularly before the issuance of a final rejection.

Respectfully submitted,

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